

Minute of Meeting



Midlothian Council

Date	Time	Venue
3 rd November 2015	2pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Provost Wallace	Depute Provost Coventry
Councillor Johnstone – Leader of the Council	Councillor Constable – Depute Leader of the Council
Councillor Baxter	Councillor Beattie
Councillor Bennett	Councillor Bryant
Councillor de Vink	Councillor Imrie
Councillor Milligan	Councillor Montgomery
Councillor Muirhead	Councillor Parry
Councillor Pottinger	Councillor Rosie
Councillor Russell	Councillor Young

Religious Representatives (Non-voting observers for Education Business):

Reverend R. Halley	Mr V. Bourne
Mrs M. Harkness	

In attendance:

Grace Scanlon – Grant Thornton	

1. Apologies

1.1 No apologies were received.

2. Order of Business

2.1 The order of business was confirmed as outlined in the agenda that had been circulated.

3. Declarations of interest

3.1 No declarations of interest were received.

4. Minutes of Previous Meetings

4.1 The minutes of the meeting of Midlothian Council on 22 September 2015 were submitted.

CCTV

The Council heard from Councillor Parry who requested that the minute (1-978) was amended to reflect her recollection that the wider issue of Public Space CCTV should be referred to the Midlothian Safer Communities Board.

The Council agreed with this amendment.

Edinburgh College

The Council then heard from Councillor Muirhead in respect of the motion that had been tabled at the previous Council meeting relating to Edinburgh College and confirmed that the Principal of Edinburgh College had agreed brief the Elected Members to discuss the issues outlined in the motion.

The Council then agreed the minute as amended.

4.2 The following minutes were presented to the Council for noting and consideration of any recommendations therein:

Meeting	Date of Meeting	Response from the Council
Cabinet	25 August 2015	Noted
Cabinet	25 August 2015	Noted
General Purposes Committee	18 August 2015	Noted
Local Review Body	1 September 2015	Noted
Performance, Review and Scrutiny Committee	2 September 2015	Noted
Performance, Review and Scrutiny Committee	2 September 2015	Noted
Audit Committee	16 June 2015	Noted

5. Questions to the Leader of the Council

5.1 It was noted that no questions to the Leader of the Council had been received.

6. Notices of Motions

Motion No.	Motion Title	Proposed by:	Seconded by:
A	Royal Mail	Councillor Coventry	Councillor Constable

Motion:

Midlothian Council condemns the Westminster Government disposing of its final 13% share holding of Royal Mail. Royal Mail had a proud tradition of service to the local community as well as offering secure employment for thousands of employees. Privatisation means that Royal Mail's primary reason for existing is now about making profits rather than serving the nation. The need to maximise dividends for shareholders has already seen job losses as well as an increasing casualisation of the work force. Privatisation will inevitably lead to the loss of thousands of jobs as well as putting in jeopardy the universal service which the population of Midlothian rely on for delivery of mail.

Summary of discussion

The Council heard from Councillor Coventry who moved the motion. Councillor Coventry confirmed that there was an error in the first sentence of the motion which should in fact have stated '30%' rather than '13%'.

Councillor Constable who had seconded the motion was heard in amplification of the motion.

The Council then heard from Councillor Beattie who spoke in support of the motion.

Decision

The Council agreed to approve the motion.

Motion No.	Motion Title	Proposed by:	Seconded by:
B	Syrian Refugees	Councillor Parry	Councillor Bryant

Motion:

Midlothian Council wholly and completely condemns the Scottish Defence League and the protest against Syrian refugees that it chose to hold in Edinburgh on Saturday 3rd October; considers this to be an affront to the vast majority of tolerant Scots who do not agree with the views of the Scottish Defence League; considers it to be a mark of disrespect to those who have lost their lives travelling from Syria, and calls on all political parties in Midlothian Council to unite against the Scottish Defence League and its views.

Summary of discussion

The Council heard from Councillors Parry and Bryant who moved and seconded the motion respectively.

Councillor Pottinger sought clarity that there had not been a march in Edinburgh and the Scottish Defence League had gathered in Princes' Street. Councillor Parry agreed that there was 'an intent' to march but this had not happened.

Decision

Following the clarity provided by Councillor Parry, the Council agreed to approve the motion.

Motion No.	Motion Title	Proposed by:	Seconded by:
C	Transatlantic Trade and Investment Partnership	Councillor Johnstone	Councillor Bryant

Motion:

Midlothian Council is opposed to Transatlantic Trade and Investment Partnership because it risks public service provision across the UK, and we need values of transparency in keeping our public services in public hands. Council should follow the lead of the Scottish Government and write to David Cameron to make sure that the NHS and other public services are excluded from any TTIP arrangement and, if it is not that he uses the veto at the EU to prevent TTIP progressing.

Amendment(s) to the motion:

Two amendments to the motion were tabled as follows:

First amendment:

The first amendment was moved by Councillor Pottinger and seconded by Councillor Bennett.

'Midlothian Council is opposed to Transatlantic Trade and Investment Partnership because it risks public service provision across the UK and we need values of transparency in keeping our public services in public hands. Council calls on the Scottish and UK Governments to oppose TTIP to prevent it progressing.

Second amendment:

The second amendment was moved by Councillor Baxter and seconded by Councillor Coventry.

'Replace "it risks..." to end.

with –

"TTIP could have a detrimental impact on local services, employment, suppliers and decision-making".

This council resolves:

- 1. To write to the UK Prime Minister, Scottish First Minister, local MPs, MSPs, and all Scottish MEPs raising our serious concerns about the impact of TTIP on local authorities and the secrecy of the negotiating process and to urge the Prime Minister to use the veto to prevent TTIP progressing.*

2. *To write to COSLA to raise our serious concerns about the impact of TTIP on local authorities and ask them to raise these with government on our behalf.*
3. *To call for an impact assessment on the impact of TTIP on local authorities.*
4. *To publicise the council's concerns about TTIP; join with other local authorities which are opposed to TTIP across Europe and work with local campaigners to raise awareness about the problems of TTIP.'*

Summary of discussion

Councillor Johnstone moved that the motion should be accepted in line with the second amendment proposed by Councillor Baxter.

The Council then heard from Councillor Pottinger who tabled and moved the first amendment.

The Chief Executive confirmed his understanding that any impact assessment would be conducted collectively across all Local Authorities through CoSLA.

Following a debate in relation to the issues and risks in relation to TTIP, a vote was taken on the matter.

Decision

8 Members voted for the first amendment and 10 Members voted for the second amendment which accordingly became the decision of the Council.

7. Reports

Agenda No.	Report Title	Presented by:
7	Cabinet and Related Appointments	Director, Resources

Outline of report and summary of discussion

The report dated 22 October 2015 was presented by the Director, Resources inviting Council to fill the vacancy on the Cabinet and to regularise appointments to the various Council and partnership Committees as a result of the resignation of Councillor Thompson in June 2015.

Councillor Johnstone presented the Administration's recommendations to fill the vacancies including confirming their nomination of Councillor Parry to the Cabinet. Councillor Constable was heard in amplification of this recommendation.

Councillor Milligan confirmed his understanding that the recommendation in the report to reduce the Cabinet membership from 6 Elected Members to 5 had already been a decision of the Council on 25 September 2012.

Following a lengthy and at times heated debate in relation to the appointments, Councillor Muirhead proposed that Councillor Milligan take up the vacant position within the Cabinet. This was seconded by Councillor Imrie.

Following this a vote was taken.

Decision

7 Members voted for Councillor Milligan to assume the vacant position within the Cabinet and 9 Members voted for Councillor Parry to assume the position which accordingly became the decision of the Council.

It was agreed that recommendation (a) of the report was not required given the previous decision of the Council on 25 September 2012. Equally recommendation (b) was a decision for the Cabinet to determine portfolios.

The Council further agreed to the nominations for the membership of the various Committees as outlined in the proposal from the Administration excluding the Committees outlined in section 3.4 of the report to meet recommendation (c) of the report i.e.

Committee name	Vacancy filled by:
Appeals Committee	Councillor Johnstone
Audit Committee	Councillor Parry
Standards Committee	Councillor Johnstone
Midlothian Joint Consultative Group	Councillor Parry
Social Work Complaints Review Panel	Councillor Parry
Business Transformation Steering Group	Councillor Parry
Midlothian Licensing Board	Councillor Parry
Welfare Reform Elected Members Working Group	Councillor Parry
Midlothian Safer Communities Board	Councillor Parry
COSLA – Convention	Councillor Johnstone
COSLA – Resources and Capacity Executive Group	Councillor Parry
COSLA – Strategic HR Management Executive Group	Councillor Parry
COSLA – Community Justice Sub Group	Councillor Parry

The Council further agreed recommendation (d) to include the business of the sub Committees of the General Purposes Committee within the General Purposes Committee

Further the Council agreed to recommendation (e) that no appointments should be made to the Committees outlined in section 3.4 of the report pending the outcome of the Committee review.

Action

Director, Resources

Report No.	Report Title	Presented by:
8	Audit Findings for Midlothian Council Year Ended 31 March 2015	Grace Scanlon - External Auditors (Grant Thornton)

Outline of report and summary of discussion

The Audit Report had been circulated with the agenda and Grace Scanlon provided the Council with a summary of the report highlighting the findings of the External Auditors. This report had been previously been considered by the Audit Committee on 29 September 2015.

Decision

The Council noted the content of the report.

Sederunt – Grace Scanlon left the meeting at 2.50pm

Report No.	Report Title	Presented by:
9	Report of the Chief Social Work Officer 2014-15	Chief Social Work Officer

Outline of report and summary of discussion

The Chief Social Work Officer spoke to the report and presented the Council with the Chief Social Work Officer's annual report on the statutory work undertaken on the Council's behalf. The Chief Social Work Officer provided an overview of the report and provided additional commentary on aspects of the report including the work completed so far in relation to the implementation of Self Directed Support; the work of the Public Protection Team; and workforce planning and development.

Councillor Johnstone was heard in amplification of the content of the Report of the Chief Social Work Officer and highlighted the work that has been done in relation to reducing delayed discharge and reducing substance misuse. Councillor Johnstone also confirmed that work was underway in relation to creating a plan to reduce re-offending following the demise of the Criminal Justice Authority.

Decision

The Council agreed:

- (a) The Chief Social Work Officer's Annual Report for 2014-15; and
- (b) That the Chief Social Work Officer should place a copy of the annual report on the Council website.

Action

Chief Social Work Officer

Report No.	Report Title	Presented by:
10	Integration Joint Board Strategic Plan	Head of Adult and Social Care

Outline of report and summary of discussion

The Head of Adult and Social Care presented the report and spoke to the Midlothian Health and Social Care Joint Integration Board Strategic Plan 2016-19 which was circulated with the agenda, including the key implications for the Council in relation to the governance arrangements for the IJB and the responsibility for Charging Policy remaining with the Council.

Decision

The Council:

- (a) Noted the draft IJB Strategic Commission Plan, Locality Plans and Joint Needs Assessment
- (b) Agreed to communicate the Council's agreement to the Plan

Action

Head of Adult and Social Care

Report No.	Report Title	Presented by:
11	Integration and Children's Services	Joint Director, Health and Social Care

Outline of report and summary of discussion

The Joint Director, Health and Social Care presented the report advising Council on the development of closer partnership working between Council Children's Services, Education and NHS Lothian. The Joint Director highlighted that integrating Children's Services would pose a significant challenge to the Midlothian Integration Joint Board and therefore it was proposed that Children's Services are not included in the Integration arrangements. However this would provide the opportunity to strengthen joint arrangements between adult and children's services.

Decision

The Council noted and endorsed:

- (a) The proposal not to seek to include Children's Services in the Integration arrangements;
- (b) The proposed to review and strengthen the governance and strategic planning arrangements for Children's Services;
- (c) The proposal to strengthen local management arrangements for children's health services;
- (d) The proposal to strengthen joint arrangements between adult and children's services.
- (e) The proposal to design a new lifetime service for children and adults with severe and complex needs.

Action

Joint Director, Health and Social Care

Report No.	Report Title	Presented by:
12	Free Swimming Sessions for Midlothian Children	Head of Property and Facilities Management

Outline of report and summary of discussion

The Head of Property and Facilities Management presented the report setting out the implications of introducing free swimming sessions to children during school holidays and providing information regarding the usage of Council leisure facilities during summer holidays. This report was presented in response to the Notice of Motion presented to Council on 11 August 2015.

Councillor Rosie moved an amendment to the recommendations in the report as follows:

- '(a) Advise if it supports the introduction of free swimming sessions to under 18 Midlothian residents during school holidays.*
(b) If supported agree that free swimming is limited to one hour sessions, Monday to Friday 10.30am to 4.30pm
(c) If supported instruct the Head of Finance and ISS to adjust the Revenue budget to reflect the reduced income of £17,662 per annum for 2016/17 and beyond
(d) If supported request that the Head of Property and Facilities Management monitor uptake levels.'

Councillor Constable seconded the amendment.

Councillor Milligan spoke in support of the recommendations but suggested that a further review of the usage of leisure facilities was required to encourage an increased use of the facilities and generating additional income to the Council. Councillor Milligan further queried whether the proposals would include access at the Dalkeith Campus and following support to the query from Councillor Constable the Director of Education, Communities and Economy confirmed that discussions were taking place with the PPP to agree a way forward.

The Head of Finance and Integrated Service Support requested Council that, to comply with Standing Orders and Financial Regulations, recommendation (c) also included a supplementary estimate for the current financial year.

Decision

The Council agreed the recommendations as amended and outlined above.

Action

Head of Finance and Integrated Service Support

Head of Property and Facilities Management

Report No.	Report Title	Presented by:
13	Woodburn Community Hub Update	Director, Resources

Outline of report and summary of discussion

The Director, Resources presented the report updating Council regarding the status of the funding bids in respect of Woodburn Community Hub confirming that the applications for funding from the Regeneration Capital Grants Fund and the

Big Lottery had been unsuccessful. The Director confirmed that looking to the future and recognising Woodburn as focus area, future bids would take cognisance of the feedback received.

Councillor Bryant and Bennett were heard expressing their disappointment in relation to the outcome of the bids, particularly in light of the significance of focus of the Woodburn community. Councillor Bennett further requested a meeting with the Director, Resources and the three Elected Members for Dalkeith area in January 2016 to agree how this is progressed.

Councillor Bennett intimated to Council with great sadness that George Munro from Dalkeith Miner's Club had passed away last week and to record he will be great loss to the Club and to the Community.

Councillor Russell was heard in amplification of the sentiments of the other Elected Members who had spoken to this point.

Decision

The Council agreed to:

- (a) note the comments of the report;
- (b) receiving a further report in June 2016 on the outcome of future external funding bids; and
- (c) asked Councillor Bennett to pass the Council's condolences to the family of George Munro.

Action

The Director, Resources to meet with the Dalkeith Elected Members in January 2016 to agree actions.

Director, Resources in relation to the recommendations within the report.

Report No.	Report Title	Presented by:
14	Kinship Care Allowances: Update on policy and allocation and distribution of Funding.	Head of Children's Services

Outline of report and summary of discussion

The Head of Children's Services presented the report to Council outlining the level of additional funding agreed by CoSLA and Scottish Government in relation to Kinship Care Allowance; confirming Midlothian Council's share of the allocation and distribution and confirming that this will take effect from 1 October 2015. The Head of Children's Services also confirmed that the Equalities and Human Rights Commission had taken an interest in the disparity between payments for Kinship Carers and Foster Carers. Midlothian Council is one of the few Local Authorities that already pays Kinship Carers the same as Foster Carers.

There followed a discussion in relation to the level of funding being received in Midlothian Council from the Scottish Government in relation to providing these services.

Councillor Muirhead moved that the Council write to the Scottish Government asking for additional monies to support Midlothian Council from these funds.

There followed a vote was in relation to Councillor Muirhead's recommendation.

Decision

9 Members voted in favour of writing to the Scottish Government and 9 Members voted against. That being the vote, the Chair took the casting vote and voted against writing to the Scottish Government which therefore became the decision of the Council.

Further Council agreed:

- (a) to note the interim and future allocation of funding of £92,317/ £184,634;
- (b) a number of actions sit alongside the additional monies funding agreed by CoSLA and Scottish Government; and
- (c) The relevant changes are implemented as soon as possible

Action

Head of Children's Services

Report No.	Report Title	Presented by:
15	Funding Bid for Arts Centre at National Mining Museum	Director, Education, Communities and Economy

Outline of report and summary of discussion

The Director, Education, Communities and Economy presented a report to the Council providing an update in respect of the outcome of the funding bid to Scottish Government's Regeneration Capital Grants Fund for Arts/ Theatre Complex in Newtongrange. The Director confirmed that the Council had been unsuccessful in their bid and that there is ongoing work to maximise chances of future funding.

There followed a discussion whereby Councillors expressed their disappointment at the unsuccessful bid and highlighting disparity in relation to the funding distribution and encouraged Council Officers to continue to learn from these bids to enable future success.

Decision

The Council noted:

- (a) The outcome of the funding bid to RCGF; and
- (b) The ongoing work required by officers and partners to maximise chances of being funded in the future.

Action

Director, Education, Communities and Economy

Report No.	Report Title	Presented by:
16	National Improvement Framework	Head of Education

Outline of report and summary of discussion

The Head of Education presented the report which referenced the 'Creating a Smarter Scotland: A Draft National Improvement Framework for Scottish Education' document which was circulated with the agenda. The Head of Education provided the Council with an overview of the Scottish Government's National Improvement Framework which is currently at the consultation stage and confirms Midlothian's response to this.

Decision

The Council agreed to:

- (a) Acknowledge the role and responsibilities of the Local Authority as set out in the draft national improvement framework;
- (b) Recognise and support the sector leading practice of Visible Learning in Midlothian;
- (c) To receive a report on the 2015 Examination Results using the new Insight measures in December 2015; and
- (d) To participate in a seminar on the draft *Good to Great* Strategy for Education in Midlothian before the end of March 2016.

Action

Head of Education

Report No.	Report Title	Presented by:
17	Refugee Crisis	Head of Customer and Housing Services

Outline of report and summary of discussion

The Head of Customer and Housing Services presented the report which advised Council of the progress made since it passed the resolution to support and assist both the UK Government and the Scottish Government in resettling refugees. The Head of Customer and Housing Services requested direction from the Members in relation to the type of accommodation the Council could consider so as not to impact on the Council Housing stock. Confirmation was made that the cost for the first twelve months would be made by the UK Government to Local Authorities and ongoing funding is being discussed at COSLA. The Officer also confirmed that there had a mixed response from Communities in Midlothian in relation to the content of this report. The Head of Customer and Housing Services confirmed there was ongoing discussion with the UK Government and the Scottish Government to establish an agreement to resettle up to 40 refugees in Midlothian over the next 5 years.

There followed a discussion whereby the Council was provided with further detail in relation to how this will be managed going forward and confirmation from the Head of Customer and Housing Services that no specific arrangements had been arranged as yet. Further to this it was confirmed that other agencies would be involved to support the resettlement of these refugees.

Decision

Following the wider discussion, the Council resolved to accept the recommendations contained within the report:

- (a) To note the content of the report; and
- (b) Agree to the continuation of the action taken by officers to establish an agreement with the UK Government and Scottish Government to resettle up to 40 refugees over the period of the next 5 years.

Action

Head of Customer and Housing Services

Report No.	Report Title	Presented by:
18	General Services Capital Plan 2015/16 to 2020/21	Head of Finance and Integrated Service Support

Outline of report and summary of discussion

The Head of Finance and Integrated Service Support presented a report which provided Council with information on the projected performance of the General Services Capital Plan against budget for 2015/16.

Councillor Milligan expressed his concern in relation to the increasing cost for Newbattle High School.

Councillor Parry wished to note that it was really positive that the Council was still making capital investments in projects, particularly in relation to new primary schools.

Decision

Following a brief discussion, the Council:

- (a) Noted the General Services Capital Plan Quarter 2 monitoring position for 2015/16
- (b) Approved the Stobhill Primary School Footpath project as outlined in the report.

Action

Head of Finance and Integrated Service Support

Report No.	Report Title	Presented by:
19	Housing and Revenue Account Revenue Budget and Capital Plan 2015/16	Head of Finance and Integrated Service Support

Outline of report and summary of discussion

The Head of Finance and Integrated Service Support presented a report providing the Council with a summary of expenditure and income to 4 October 2015 for the Capital Plan and a projected outturn for both the Housing Revenue Account and Capital Plan for 2015/16.

Decision

The Council noted the content of the report.

Report No.	Report Title	Presented by:
20	Financial Monitoring 2015/16 – General Fund Revenue	Head of Finance and Integrated Service Support

Outline of report and summary of discussion

The Head of Finance and Integrated Service Support presented a report providing the Council with information on performance against revenue budget in 2015/16 and details of the material variances.

Decision

The Council noted the content of the report.

Report No.	Report Title	Presented by:
21	Financial Statements for the year ended 31 March 2015	Head of Finance and Integrated Service Support

Outline of report and summary of discussion

The Head of Finance and Integrated Service Support presented a report providing the Council with an overview of the changes made during the audit process to the Council's Financial Statements for 2014/15.

Decision

The Council noted the content of the report.

Report No.	Report Title	Presented by:
22	Treasury Management Mid-Year Review Report 2015/16	Head of Finance and Integrated Service Support

Outline of report and summary of discussion

The Head of Finance and Integrated Service Support presented a report providing the Council with information in relation to the Treasury Management activity undertaken during the first half of 2015/16, the forecast activity for the second half of 2015/16, and update the Prudential Indicators for 2015/16.

Councillor Parry applauded the transparency of the information contained within the report. Further Councillor Parry request information in relation to whether the investments that are made by Capita have any ethical framework attached to them.

The Head of Finance and Integrated Service Support confirmed he would confirm the position.

Councillor de Vink requested information in relation to the Salix loan that was made reference to within the report.

The Head of Finance and Integrated Service Support confirmed he would confirm what this was to the Councillor.

Decision

The Council:

- (a) Noted that the Financial Services team has achieved a better than benchmark return on investments for the period to 15 October 2015;
- (b) Noted the report and treasury activity undertaken in the period to 15 October 2015;
- (c) Noted the forecast activity during the second-half of the year and the illustration of some of the potential options available for investment;
- (d) Approved the revisions to the Prudential Indicators

Action

Head of Finance and Integrated Service Support

8. Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Council agreed that the public be excluded from the meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 6, 11 and 12 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

- (a) Minutes of Social Work Complaints Review Panel – Approved;
- (b) Educational use of the ‘Former Hopefield’ Primary School site – Approved
- (c) A New Leadership Structure for Midlothian Council – Approved.